(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

W. P. NO. 1707 OF 2005

PETITIONER

Vijay Tiwari,S/o Shri Kamta Prasad Tiwari, age 49 years Physical Training Instructor, Shaheed Nutan Soni Govt. Secondary School, Ratanpur R/o Bhedimuda, Ratanpur, Tahsil Kota, District Bilapsur (Chhattisgarh)

VERSUS

RESPONDENTS

1. State of Chhattisgarh Through the Secretary, Department of Education, Mantralaya,Dau Kalyan Singh Bhawan,Raipur [Chhattisgarh]
2. Directorate of Lok Shikshan Chhattisgarh, Raipur (CG)
3. District Education Officer, Bilaspur (Chhattisgarh)
4. State of Madhya Pradesh Through Secretary, Deptt. of Education, Vallabh Bhawan, Bhopal, (Madhya Pradesh)
5. Directorate of Lok Shikshan Madhya Pradesh, Bhopal (MP)
6. Shri M. R. Yadav, District Sports Instructor, Raigarh, Distt. Raigarh (Chhattisgarh)
7. Shri A. R. Kaiwart, District Sports Instructor, Dharamjai Garh, (Chhattisgarh)

1722/05

P.R. is presented by Shri Soni

dated 19.04.05

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19.4.

CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF MANDAMUS PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:

(32)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 1707/05 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	3-5-2005 Shri Sanjay K. Agrawal, counsel for the petitioner. Shri Bhaskar Pyasi, Panel Lawyer for the State/respondents No.1 to 3. Heard both the counsel. The petitioner's case is that he is working as Physical Instructor since 1981 and he is not being promoted. As per seniority list published by the Joint Director (Education) Bilaspur as on 1-4-96 the petitioner was at S. No.31 as he was appointed on 22-10-1981 whereas the names of respondent No.6 was at No.34 and respondent No.7 was at S. No.47 and they were appointed after the petitioner. Respondent No.6 was appointed on 1-2-82 and respondent No.7 was appointed on 5-10-85. They have been promoted by passing the claim of the petitioner. When the petitioner's name was left out from the consideration of the promotion, he made a representation (Annexure-P/7) to the District Education Officer and he immediately forwarded his request vide Annexure-P/5 mentioning therein that the petitioner's name has been left out, therefore, the petitioner may be considered for promotion on the post which is lying vacant, even then respondents are not passing any order. Learned counsel for the petitioner submitted that the posts are already lying vacant and the petitioner was left out for no reason	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

and juniors to him have been promoted, therefore, in the circumstances, the petitoner may be allowed to make a detailed representatin to respondent No.2 and he be directed to decide the representation of the petitioner to which learned counsel for respondents No.1 to 3 has no objection.

Having heard learned counsel for the petitioner, having perused the records and also looking to the limited request made by learned counsel for the petitioner which appears to be just and reasonable, the petitioner is allowed to make a detailed representation before respondent No.2 within a period of 15 days from today and in turn respondent No.2 will decide the representation of the petitioner within a period of one month from the date of receipt of the representation after considering all the points raised by the petitioner in an objective manner in accordance with law.

With the direction aforesaid, the petition stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Barve